

REMARKS

By this amendment, claims 1-39 have been cancelled without prejudice nor disclaimer nor without concession as to the propriety of the outstanding Office Action in favor of newly added claims 40-51.

In particular, newly added claim 40 recites, *inter alia*, generating an array of pseudo-random numbers, determining a phase shift for each carrier signal by multiplying a value from the array of pseudo-random numbers times $(\pi/m) \bmod 2\pi$, where m is an integer and adding the determined phase shift for each carrier signal to the phase characteristic of each carrier signal.

U.S. Patent No. 5,748,677 to Kumar and U.S. Patent No. 6, 704,317 to Dobson were cited with reference to the outstanding 35 U.S.C. § 102(b) and 103(a) rejections. Kumar discloses a reference signal communication method and system and the ability to linearly sum a reference signal 27 with a composite subcarrier signal 20 at 23 to form an overall composite signal 22. Dobson is directed toward a multicarrier LAN modem server.

However, neither of the references teach or suggest randomizing the phase characteristics as recited in independent Claim 40. As will be readily apparent, the remaining claims are also clearly distinguishable from the references of record.

With all outstanding rejections having been overcome, an early notice of allowance is respectfully solicited. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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